

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9398 OF 2021

Shree Gogababa Nagari Sahakari Patsanstha	...	Petitioner
<i>Versus</i>		
The Regional Provident Fund Commissioner II	...	Respondent

Mr. Suresh Pakale i/b. Mr. Shankar M. Katkar, Advocate for the Petitioner.

Mr. Suresh Kumar, Advocate for the Respondent.

CORAM: G. S. KULKARNI, J
DATED: 22nd December, 2021

PC:-

1. After having heard learned Counsel for the parties on this petition, in my opinion, this petition ought to be disposed of by setting aside the impugned order dated 23rd November 2021 passed by the learned Presiding Officer, Central Government Industrial Tribunal-II, Mumbai on the petitioner's interim application seeking waiver of deposit. Perusal of the impugned order clearly indicates that neither the case of the petitioner in its proper perspective and nor the case of the respondent as pointed out by Mr. Suresh Kumar, has been taken into for consideration.

2. In the circumstances, the impugned order is set aside.

3. The application of the petitioner is restored to the file of the Presiding Officer Central Government Industrial Tribunal-II, Mumbai, who shall hear the parties on such application and pass a fresh order on or before 30th January 2022.
4. All contentions of the parties in that regard are expressly kept open.
5. Needless to observe that as the impugned order has been set aside, the respondent shall not proceed to enforce demand against the petitioner and it shall be subject to the final orders to be passed on such application on remand.
6. The parties are permitted to file further appropriate pleadings in the pending proceedings.
7. Disposed of in the above terms. No costs.

(G. S. KULKARNI,J.)